

REMARKS

Claims 1 and 3-6, all the claims pending in the application, stand rejected. Claim 1 has been amended.

Specification

The Examiner objects to the specification for failing to provide antecedent basis for the claim term “allowing means” in the specification.

In reply, Applicants respectfully submit that there is no requirement for the term “means” to be used in the specification. The only the requirement under law and regulation (see Guidelines for Examination of Means plus Function Limitations) is that Applicant identify the corresponding structure. That identification may be in the specification or in the file history. Applicant already has advised the Examiner that this structure clearly relates to allowing member 35 having an arc track R. Thus, this objection is improper.

However, in order to advance prosecution in this case, Applicants have amended the text at page 10 to place the parenthetical phrase “(allowing means)” after allowing member 35 at line 10.

Claim Objections

Claim 1 is objected to because the phrase “to slide the lever” at line 12 is inconsistent with the word “swingable” elsewhere in the claim. A review of the specification shows that the lever is described as being swingable (about the axis of rotation) and slideable (projection against the cam surfaces). Applicants will use the term “swingable” in referring to the lever but will use the phrase “sliding contact” as well.

The Examiner also finds the phrase “allowing portion” in claim 1 to be indefinite. Applicants have changed that phrase to refer to the “allowing means.”

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 3-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wegner (6,082,158). This rejection is traversed for at least the following reasons.

The Examiner again looks to Fig. 13 of Wegner for the specific elements of the illustrated actuator that correspond to the claimed invention. First, the Examiner points to a rotor 30 and “a lever” (not numbered but having a supporting portion or protrusion 37, which is connected to 36 and 38 via pin 39 and is swingable between first and second positions. Now, in the Response to

Arguments section of the Office Action at page 4, the Examiner asserts that, of the two separately swingable levers in the Figure, the Examiner is relying on the lever that is attached to protrusion 37.

Second, the Examiner identifies an engagement mechanism comprising the protrusion 37 and a guide mechanism 32, 33, 34 that makes the lever swing and allows movement of the lever without turning the motor. Applicant argued that this statement does not appear to be correct, as the entire purpose of the guide mechanism is to cause the levers to swing on the basis of movement of the motor. Applicant argued that there is no teaching or suggestion in Wegner that there would be any movement without operation of the motor. The Examiner replies with two points. First, the Examiner notes that the claim does not require any movement without operation of the motor. Second, the Examiner argues that there is no device in Wegner that restrains or constricts the protrusion and prevent movement of the lever when the motor is not operated.

As to the first argument, the claim has been amended to affirmatively state that the lever is swingable between the first and second positions without operation of the motor, only when allowed by the allowing means. The reason is that the protrusion 20 is engaged with sliding members 31 and 33 on surfaces 310, 320, 331 and 332, as illustrated in Fig. 1. When engaged, and the worm wheel is not turning, the lever will engage at least one of these surfaces and will encounter other surfaces if an attempt is made to swing toward another of the first and second positions, as illustrated in Figs 2-6. In short, the opposing surfaces preclude a full swinging motion. An exception is at the position of the allowing member 35, as illustrated in Figs 1 and 7, where the lever can swing freely in a desired arc of rotation. Viewing the surfaces engaged by protrusion 37 in Fig. 13 of Wegner, it is clear that there is a restriction in all rotational positions of the worm wheel, and no position where the protrusion and, thus, lever can move freely between first and second positions.

Third, Applicant argued that there is no reason to have the protrusion 37 move independent of the motor being operated and the rotor being turned. Applicant noted that the rotor is intended to provide a transfer of operation among the four phases illustrated in Fig. 5, based on the discussion in Col 6 with respect to Fig. 4. Having the protrusion move without

turning the rotor would only lead to damage of the mechanism. However, the Examiner notes that “the allowing portion 34 of Wegner meets all of the claimed structural limitations of applicants’ allowing portion, and thus meets the limitations of the claim.” The Examiner asserts that the portion 34 does not restrain the protrusion from moving. Here, Applicants respectfully submit that there cannot be movement between first and second positions of the lever (which are the operational positions to open and close a lock or latch mechanism) as one skilled in the art would understand that Wegner would not function in the manner intended. Further, with respect to portion 34 of Wegner serving as the “allowing means,” the claim now states that the lever is moveable between the first and second positions at the allowing means. Clearly, this does not apply to portion 34, as there is no possible movement in this manner due to the restrictions of the surfaces engaging protrusion 20.

Fourth, the Examiner previously stated “the rotor always stops at the allowing portion regardless of whether the lever is at the first position or the second position.” Applicant asserted that this statement is unsupported by any teaching in the patent, as there is no reason for having the rotor stop at the allowing portion regardless of the lever being in the first or second position. The Examiner has not rebutted this position.

Finally, with respect to the argument by Applicant that the “allowing means” should be interpreted as a means-plus-function limitation, the Examiner observes that the term is not used in the specification and that the addition of such term would not constitute new matter. The Examiner’s position is not correct, as already noted, since there is no requirement for the term “means” to be used in the specification, only the requirement that in the file history the corresponding structure is identified. Applicants have amended the text at page 10 to put the parenthetical phrase “(allowing means)” after allowing member 35 at line 10.

In sum, Applicants respectfully submit that the definition of “allowing means” is sufficient to overcome the rejection, as there is no identical or equivalent structure in the Wegner patent. Applicants also respectfully submit that the corresponding structure is clear, as already provided herein and in the previous amendment. Specifically, in the case of the present invention, the protrusion 20 always stops at the allowing member 35, thereby making the shape of the groove simple and reducing the production cost of the rotor. In the case of the present

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/720,140

invention, even if the protrusion 20 stops at a displaced position on the allowing member 35, it is easy to return the protrusion 20 to the normal position by manually moving the output lever 13.

Dependent Claims

With respect to the remaining dependent claims, dependent claims 3-5 depend from claim 1 directly or indirectly and further define the slide guide portions and contact portions. Dependent claim 6 specifies the features of a locking lever. The combination of these added structures with that of claim 1 are not found in the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Alan J. Kasper/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Alan J. Kasper
Registration No. 25,426

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 14, 2006